MONTANA LEGISLATIVE HISTORY

Chapter 142 19 55

Bill H _____ S Substitute 50 Original bill & history ____C

H. Committee on Irrigation and Water Conservation S. Committee on _____

| Hearing Date(s) | | | Hearing Date(s) | | |
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| Feb 23 | ✓ | C | _____ | ____ | C |
| _____ | ____ | C | _____ | ____ | C |
| _____ | ____ | C | _____ | ____ | C |
| _____ | ____ | C | _____ | ____ | C |
| Date Out | Feb 23 | ✓ C | | | |

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Did this bill originate in an interim committee? ____Yes ____No

Committee _____ Report _____

No Senate Minutes for this bill exist.

February 23, 1955

COMMITTEE ON IRRIGATION AND WATER CONSERVATION

A meeting of the Irrigation and Water Conservation Committee was called to order at 1:00 p.m. on February 23, 1955. Roll call was taken and the following members were present: Gershmel, chairman; Hooks, Michels, Bick, McOmber, Bricker, Hancock, Powell, Baxter, and Howard.

The chairman brought Senate Substitute for Senate Bill No. 50 before the group. He then introduced the following who spoke in behalf of the bill: Mr. Palmer, City Engineer of Forsyth, Montana; Mr. Clinger, Montana Municipal League - Cities and Towns of Montana; Mr. Winton Weydemeyer, Montana State Grange and Montana Conservation Council; Jack Rhodes, chairman of the Montana Wildlife Federation; Charles Fennessey, Fish and Game Department; and Mr. Mysse, Representative from Rosebud County. After much discussion Mr. Bick moved the committee recommend that Senate Substitute for Senate Bill No. 50 be concurred in. It was seconded by Mr. Baxter and carried.

Senate Joint Resolution No. 2 was then brought before the committee for discussion. It was moved by Mr. Bricker that the committee recommend that Senate Joint Resolution No. 2 be concurred in. It was seconded by Mr. Bick and carried.

There being no further business, it was duly moved, seconded and carried that the meeting adjourn. The meeting adjourned at 1:30 p.m.

M. H. Gershmel

Gershmel, Chairman

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PRESIDENT
WINTON WEYDEMEYER
BOX 50
FORTINE, MONTANA

SECRETARY-TREASURER
THADDEUS WOJCEICHOWSKI
EXTENSION SERVICE
LIBBY, MONTANA

EXECUTIVE SECRETARY
GEORGE GLOEGE
EASTERN MONTANA COLLEGE OF EDUCATION
BILLINGS, MONTANA

# MONTANA CONSERVATION COUNCIL, INC.

● **Conservation is Everybody's Business** ●

Enactment of adequate water pollution control legislation at this session of the Legislative Assembly is an official and major objective of the Montana Conservation Council, a state-wide federated group the membership of which includes representatives of practically all major conservation interests, agencies, and organizations in Montana.

Winton Weydemeyer

Winton Weydemeyer
President

SEEKING TO ACHIEVE WISE USE WITHOUT WASTE OF MONTANA'S NATURAL RESOURCES

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# MONTANA CONSERVATION COUNCIL, Inc.


**BOARD OF DIRECTORS**

DR. J. W. SEVERY, 1955
MONTANA STATE UNIVERSITY
MISSOULA, MONTANA

H. W. RIEK, 1955
SOIL CONSERVATION SERVICE
BILLINGS, MONTANA

J. K. VESSEY, 1955
UNITED STATES FOREST SERVICE
MISSOULA, MONTANA

DR. HAROLD TASCHER, 1955
MONTANA STATE UNIVERSITY
MISSOULA, MONTANA

MARY CONDON, 1956
STATE SUPERINTENDENT OF PUBLIC INSTRUCTION
HELENA, MONTANA

REX CAMPBELL, 1956
EXTENSION SOIL CONSERVATIONIST
BOZEMAN, MONTANA

HAROLD HAGEN, 1956
BITTERROOT SOIL CONSERVATION DISTRICT
STEVENSVILLE, MONTANA

WALTER STAVES, 1956
MONTANA WILDLIFE FEDERATION
POLSON, MONTANA

WINTON WEYDEMEYER, 1957
MONTANA STATE GRANGE
FORTINE, MONTANA

EARL DUBOIS, 1957
JUDITH BASIN SOIL CONSERVATION DISTRICT
STANFORD, MONTANA

R. C. SETTERSTROM, 1957
MONTANA POWER COMPANY
BUTTE, MONTANA

A. G. SLATTERY, 1957
BIG HORN SOIL CONSERVATION DISTRICT
HARDIN, MONTANA

**1954-1955 EXECUTIVE STAFF**

WINTON WEYDEMEYER, PRESIDENT

EARL DUBOIS, FIRST VICE PRESIDENT

J. K. VESSEY, SECOND VICE PRESIDENT

THADDEUS WOJCIECHOWSKI, SECY-TREASURER
EXTENSION SERVICE
LIBBY, MONTANA

GEORGE GLOEGE, EXECUTIVE SECRETARY
EASTERN MONTANA COLLEGE OF EDUCATION
BILLINGS, MONTANA

CAROLYN MADDEN, FIELD REPRESENTATIVE
ANACONDA, MONTANA


## PURPOSES

To promote wise use of Montana's soil, water, grass, mineral, timber, wildlife and recreational resources for the maximum benefit of this and future generations.

To stimulate cooperative conservation action by Montana people interested in achieving beneficial use, without waste, of the state's natural resources.

To provide a public forum for the study and discussion of specific Montana conservation needs and problems.

To promote effective resource conservation instruction and training in Montana schools and colleges.

To initiate, develop and sponsor conservation programs and services.

## PROGRAMS

THE COUNCIL: Holds an annual conference and planning meeting attended by conservation-minded individuals and group representatives from all parts of the state.

Conducts an annual Conservation Caravan.

Sponsors an annual state-wide Conservation Week.

Assists in the planning and conduction of conservation educational courses and workshops.

Prepares and publishes conservation handbooks and other resource reference material.

Supports state and federal legislation and appropriations necessary to promote the purposes of the organization.

## MEMBERSHIP

Membership in the Montana Conservation Council is open to any person, organized group of persons, or public agency interested in the purposes and programs of the organization.

MEMBERSHIP CLASSES:
Active Membership — $1.00 per year.
Contributing Membership — $5.00 and up.

NEW MEMBERS ARE WELCOME AT ANY TIME

C O N S E R V A T I O N  I S  **Y O U R**  B U S I N E S S

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# SENATE SUBSTITUTE FOR SENATE BILL NO. 50

## Introduced by Committee on Public Health & Safety

THE FOLLOWING LIST OF INDUSTRIES AND STATE-WIDE ORGANIZATIONS CO-OPERATED IN FRAMING THIS SUBSTITUTE BILL, AND APPROVED IT.

Oil Refineries

Beet Sugar Factories

Gas & Oil Association

Mining Industry

Saw Mills

Montana Wildlife Federation

Montana Municipal League

Montana Section, Am. Water Works Assoc.

Montana Sewage & Industrial Wastes Assoc.

Montana Conservation Council

State Board of Health

Fish & Game Dept.

Agricultural Associations

**All co-operating in framing the bill and approved it.**

(It was re-written five times.)

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## CHAPTER 142

An Act to Create a State Water Pollution Council, to Control, Prevent and Abate Pollution of the Surface and Underground Waters of the State of Montana, and Repealing Chapter 184 of the Thirty-first Legislative Assembly, and Repealing All Acts or Parts of Acts in Conflict Herewith and for Other Purposes.

*Be it enacted by the Legislative Assembly of the State of Montana:*

Section 1. This act shall be known as the water pollution act of the State of Montana.

Policy declared.

Section 2. (a) **Statement of Policy.** Whereas a comprehensive program of water resource development for municipal and industrial water supply, irrigation, fish and wildlife conservation, and recreation is now in progress in this state, and, whereas pollution of the waters of this state may constitute a menace to public health and welfare, and may adversely affect livestock, wildlife, fish and aquatic life, and may progressively obstruct agricultural, industrial, recreational and other legitimate uses of water, and whereas the problem of water pollution in this state is closely related to the problem of water pollution in adjoining states, it is hereby declared to be the public policy of this state to conserve the waters of the state and to protect, maintain, and improve the quality and potability thereof for public water supplies, for the propagation of wildlife, fish and aquatic life, and for agricultural, industrial, recreational and other legitimate beneficial uses, to provide a comprehensive program in the public interest for the prevention, abatement and control of new or existing water pollution, to provide effective means for the carrying out and enforcement of such program, and to provide for cooperation with agencies of other states and the federal government in carrying out these objectives.

(b) It is not the intention of this act that wastes shall be treated to a purer condition than the natural condition of the receiving stream, provided that any municipal or industrial pollution upstream be not considered as natural.

To control pollution as defined herein.

(c) It is hereby declared to be the intention of this act to effectuate the control of pollution as herein defined only.





Terms defined.

Section 3. **Definitions.** For the purpose of this act, the following words and phrases shall have the meanings ascribed to them in this section: (a) "Sewage" means the water-carried waste products from the residences, public buildings, institutions or other buildings, including the excrementitious or other discharge from the bodies of human beings or animals, together with such ground water infiltration and surface water as may be present. The provisions of this act shall not apply to the excrementitious discharges of domestic and farm animals providing human health is not involved.

"Sewage."

(b) "Industrial waste" means any liquid, gaseous or solid waste substances resulting from any process of industry, manufacturing, trade or business or from the development of any natural resources, together with such sewage as may be present, which may pollute the waters of the state.

"Industrial waste."

(c) "Other wastes" means garbage, municipal refuse, decayed wood, sawdust, shavings, bark, lime, sand, ashes, offal, night soil, oil, tar, chemicals and all other substances which may pollute the waters of the state.

"Other wastes."

(d) "Contamination" means an impairment of the qualities of the waters of the state by sewage or industrial wastes to a degree which creates a hazard to human health.

"Contamination."

(e) "Pollution" as used in this act shall mean the alteration of the physical, chemical or biological properties of any waters of the state which renders said waters harmful or detrimental for their most beneficial uses, and over which the authority of the state board of health as vested by title 69, chapter 13 of the Revised Codes of Montana, 1947, as herein amended, does not extend, except that no waters *not now being used for human consumption as a single public supply system serving more than one hundred (100) persons* shall be classified other than for industrial waste use where the same have been primarily and continuously devoted to industrial waste use except for seasonal variations for a period of over thirty (30) years.

"Pollution."

Certain streams excepted for existing industrial use.

Where waters have been classified or standards established pursuant to this act, any discharge which is not in accord with such classification or standards shall be deemed to be pollution.

What deemed pollution.

"Sewerage system."

(f) "Sewerage system" means pipe lines or conduits, pumping stations, and force mains, and all other construction, devices, and appliances appurtenant thereto, used for collecting or conducting sewage or industrial waste or other wastes to a point of ultimate disposal.

"Treatment works."

(g) "Treatment works" means any plant, disposal field, lagoon, dam, pumping station, incinerator, or other words not specifically mentioned herein, installed for the purpose of treating, stabilizing or holding sewage, industrial waste, or other wastes.

"Disposal system."

(h) "Disposal system" means a system for disposing of sewage, industrial waste or other wastes, and includes sewerage systems and treatment works.

"Waters of the state."

(i) "Waters of the state" means all streams and lakes, including all rivers and lakes bordering on the state, wells, springs, irrigation systems, marshes, watercourses, waterways drainage systems and other bodies of water, surface and underground, natural or artificial, publicly or privately owned. Provided, however, that unless drainage or seepage from artificial, privately owned bodies of water reaches flowing streams of the state in such condition as to pollute such flowing waters, the provisions of this act shall not apply to artificial, privately owned waters; and provided further, the provisions of this act shall not apply to any waters of the state not reasonably suitable for domestic or public water supply for human consumption at the time of the passage of this act.

"Person."

(j) "Person" means the state or any instrumentality thereof, any municipality, political subdivision, institution, public or private corporation, partnership, individual, or other entity.

Board of health to administer act.

Section 4. **Administration.** (a) The state board of health, hereinafter referred to as "the board" shall under the supervision of the council as hereinafter described, have the responsibility for the administration of this act. Subject to the general supervision of said council, the executive officer of the board shall administer the provisions of the act in accordance with said council's rules, regulations, orders, standards of water quality and classifications of the waters of the state. The executive officer of the board may delegate to any employee of the board such of his functions and duties as he deems necessary for





he proper and efficient administration of this act, except s provided in (b) below.

"State Water Pollution Council" created.

(b) There is hereby created a state water pollution coun- il, hereinafter referred to as the "council". The council hall consist of seven (7) members as follows:

Composition of council.

The executive officer of the state board of health; the tate fish and game warden *(director, state fish and game epartment);* the state engineer; and (4) members to be ppointed by the governor as follows: A representative f industry concerned with the disposal of inorganic waste ithin the state, for an initial term of one (1) year, thereafter for a term of four (4) years; a representative of ndustry concerned with the disposal of organic waste ithin the state for an initial term of two (2) years, thereafter for a term of four (4) years; a representative of griculture within the state for an initial term of three 3) years, thereafter for a term of four (4) years; a repreentative of municipal government within the state for a erm of four (4) years. The chairman shall be elected rom among their number.

No additional compensation shall be allowed any members f the council for services rendered who are employed by he state government. The four (4) members appointed by he governor to serve on the council shall each be paid in ddition to actual travel expenses, ten dollars ($10.00) per ay for each day of actual services in the performance of heir duties, and all members of the council shall be reimursed for travel and other necessary expenses incurred n their official duties as members of the council. All xpenses of members who are otherwise in the employ of he state government shall be paid from the appropriation o their respective agencies. The expenses and per diem of he members who are appointed by the governor shall be aid from funds available to the state board of health.

Meetings.

The council shall hold at least two (2) regular meetings ach calendar year and shall keep a record of its proceedngs which shall be open to the public for inspection. pecial meetings may be called by the chairman and must e called by him upon receipt of a written request signed y two (2) or more members of the council. Written notice f the time and place for all meetings shall be mailed in dvance to the office of each member of the council and

the secretary. A majority of the members of the council shall constitute a quorum.

Deputy may be designated by member.

Each member of the council may, by order filed with the secretary of the council, designate a deputy or alternate to perform the duties of the member making the designation. Such persons, if any, designated pursuant to this section, shall have the powers and be subject to the duties and responsibilities of the member designating him.

Secretary of council—qualifications, duties.

(c) The secretary of the council shall be a member of the public health engineering staff of the state board of health, designated by the executive officer of the board. The secretary shall keep all records of meetings of and actions taken by the council. He shall keep the council advised as to actions taken by persons in response to recommendations and orders issued under authority of this act and shall perform other duties as determined upon by the council, not inconsistent with rules, regulations, and policies adopted by authority of this act or specific authority otherwise given the council.

Powers and duties of council.

Section 5. **Powers and Duties of the Council.** The council is herewith authorized and directed:

Studies, investigations.

(a) To study, investigate, or cause to be studied and investigated, and from time to time, determine ways and means of eliminating from the streams and waters of the state, so far as practical, all substances and materials which pollute the same, and to determine methods, so far as practical, of preventing pollution that is detrimental to the public health or the health of animals, fish, or aquatic life, or the industrial development of the state, or detrimental to the practical use of waters for recreational purposes, agricultural or industrial purposes, or obnoxious, nauseous or toxic for domestic purposes;

Rules and regulations, procedures for guidance of board.

(b) To devise, formulate and adopt rules, regulations and methods of procedure for transmittal to the board for their guidance in the administration of this act;

Program of prevention and control.

(c) To develop and adopt a comprehensive program for the prevention, control and abatement of pollution of the waters of the state and from time to time review and modify such program for the guidance of the board;

Recommend studies.

(d) To recommend and encourage studies, investigations, research, demonstrations relating to water pollution





and causes, prevention, control and abatement thereof as are deemed advisable and necessary and to direct the board regarding any actions deemed necessary from the results of such studies, investigations, research and demonstrations in order that the board may discharge its functions under this act;

Formulate standards of purity.

(e) To formulate the standards of water purity and classification of water according to the most beneficial uses of such water; in formulating such standards and classifications consideration shall be given to the economics of waste treatment and prevention;

Hold hearings. Receive complaints

(f) To hold hearings necessary for the proper administration of this act; and to receive complaints and make investigations in relation thereto;

Elastic clause.

(g) To exercise all incidental powers necessary to carry out the purposes of this act;

Use such staff as board may allow.

(h) To utilize, in carrying out its duties, such staff services of the board as the board is able to make available within its budgetary limits.

Board powers and duties—

Section 6. **Powers and Duties of the Board.** The board shall have and may exercise the following powers and duties:

Consider and modify actions of council.

(a) *To consider actions of this council as set forth in section 5, providing that the board may modify such actions of the council only in so far as is necessary to protect human health;*

Accept, administer federal monies.

(b) To accept and administer loans and grants from the federal government and from any other source for carrying out any of its functions;

Issue, revoke, modify orders.

(c) To issue, modify or revoke *orders* for the abatement of pollution or to require the adoption of such remedial measure, including the construction of new disposal systems or treatment works or the modifications, extension or alteration of existing systems and works, as it shall be directed by the council;

Examination plans of sewerage systems, business establishment extensions, new outlets.

(d) To examine and approve or disapprove all plans and specifications for the construction and operation of (1) new sewerage systems, disposal systems and treatment works, (2) extensions, modifications of or additions to new

or existing sewerage systems, disposal systems or treatment works, (3) extension and modifications of or additions to factories, manufacturing establishments or business enterprises, the operation of which would cause a substantial increase in waste discharges or otherwise substantially alter the physical, chemical or biological properties of the waters of the state and (4) new outlets for the discharge of sewage, industrial wastes or other wastes into any sewerage system or otherwise into the water of the state subject to the rules and regulations of the council;

Permits for collection, discharge of sewerage.

(e) To issue, continue in effect, revoke, modify or deny permits to any person for the collection and discharge of sewage and industrial and other wastes under such conditions as the council may prescribe to achieve the purposes of this act;

Cooperate with other agencies, groups.

(f) To advise, consult and cooperate with other agencies of the state and other states and federal government and with affected groups, political subdivisions and industries, in the formulation of such comprehensive program;

Information.

(g) To collect and disseminate information relating to water pollution and the prevention, control and abatement thereof;

Studies.

(h) To conduct as it deems necessary, studies, investigations, research and demonstrations relating to water pollution and the causes, prevention, control and abatement thereof.

Pollution unlawful.

Section 7. **Pollution Unlawful: Permits.** (a) It shall be unlawful for any person to cause the pollution, as defined in section 3, subsection (e) of this act, of any waters of the state.

Permits required, when.

(b) It shall be unlawful for any person to construct, install or operate a new sewerage system, disposal system or treatment works, extensions, modifications, or additions to new and existing sewerage systems, disposal systems, or treatment works, extensions, modifications or additions to factories, manufacturing establishments or business enterprises, the operation of which would cause a substantial increase in waste discharges to the waters of the state, or otherwise substantially alter the physical, chemical or biological properties of the waters of the state to make or cause to be made any new outlet for the discharge of sewer-





age, industrial waste or other wastes into any sewerage system or into the waters of this state without first securing such a permit as the board may by regulations require. The board may require the submission of plans and specifications for approval or disapproval and such other information as it deems relevant in connection with the issuance of such permits.

Board may enter and inspect.

Section 8. **Inspection and Entry.** The board, through its duly authorized representatives, shall have the power to enter at reasonable times upon any private or public property for the purpose of inspecting and investigating conditions relating to pollution of any waters of the state.

Council to classify and establish standards.

Section 9. **Classifications and Standards.** (a) In order to effectuate a comprehensive program for the prevention, abatement and control of pollution in the waters of the state, the council is authorized to group such waters into classes in accordance with their present and future most beneficial uses in the interest of the public and such classification or standards may from time to time be altered or modified. Standards of quality and purity for each such classification of the waters of the state shall be adopted in relation to the most beneficial use and benefit to which the waters are or may in the future be put. Such standards may from time to time be altered or modified.

Public hearings.

Before streams are classified or standards established or before such standards are modified or repealed, public hearings by the council shall be held in connection therewith.

Notice.

Notice of public hearing for the consideration, adoption or amendment of the classification of waters and the standards of purity and quality thereof shall specify the water concerning which a classification is sought to be made or for which standards are sought to be adopted and the time, date and place of such hearing. Such notice is to be published at least once a week for three (3) consecutive weeks in a newspaper of general circulation in the area affected and in addition shall be mailed to such other persons as the council has reason to believe may be affected by such classifications and the settings of such standards.

Hearings, rehearings, review.

Section 10. **Hearings and Review.** (a) Any order issued by the council or board shall become final upon thirty (30) days after notice thereof is given to the person affected by such order unless within such thirty (30) day

period such person files a notice of application for rehearing with the council. If such notice is filed the council shall accord the appellant a rehearing. A record or summary of the proceedings of such rehearing shall be filed with the council, together with findings of fact made by the council. In any such rehearing, a representative of the council is authorized to administer oaths, examine witnesses and issue notices of hearings and subpoenas requiring the testimony of witnesses and the production of evidence relevant to matter involved in the rehearing. Witnesses shall receive the same fees and mileage as in civil actions. In case of failure to obey a notice of hearing or subpoena issued under this section the district court for the county where the hearing is held shall have jurisdiction upon application of the council or its representatives to issue an order requiring such person to appear and testify or produce evidence as the case may require and any failure to obey such order of the court may be punished by the district court as contempt thereof.

The council shall affirm, modify or reverse such order and notify the appellant of its action. The action of the council shall become final thirty (30) days after notice of such action is served upon the appellant by registered mail or unless within such time an appeal is taken to the district court as herein provided.

An appeal may be taken from any decision of the council by any person who is or may be adversely affected thereby to the district court of any county wherein any part of such alleged pollution originates or where any other matter or controversy may arise. Within thirty (30) days after receipt of a copy of the order of the council made on rehearing or after service of notice thereof by registered mail, the appellant or his attorney shall serve a notice of appeal on the council through its secretary, provided that during such thirty (30) day period the court may for good cause shown extend the time for notice of appeal for not exceeding an additional sixty (60) days. The notice of appeal shall refer to the action appealed from and shall specify the ground of appeal. The original notice of appeal with proof of service shall be filed by the appellant or his attorney with the clerk of the court within ten (10) days of the service of the notice and thereupon the court shall have jurisdiction of the appeal.





The appellant and the council shall in all cases be deemed the original parties to an appeal. Any person affected may become a party by intervention as in a civil action upon showing cause therefor. The attorney general shall represent the council if requested by the council on all such appeals on behalf of the state, or the council is empowered at its discretion to appoint special counsel for such proceeding. No bond or deposit for cost shall be required of the state or council upon any such appeal or upon any subsequent appeal to the supreme court or other court proceedings, pertaining to the matter.

Review de novo.

The trial of the matter shall be de novo, and upon such trial the court shall determine whether or not the council regularly pursued its authority, or whether or not the orders of the board and the findings of the council ought to be sustained, or whether or not such orders and findings are reasonable under all of the circumstances of the case.

An appeal may be taken from the decision of the district court to the supreme court of Montana in the same manner as is provided in civil cases. Upon the final determination of such judicial proceedings, the council shall enter an order in accordance with such determination.

Penalties.

Section 11. **Penalties.** Any person who violates any final determination or order of the board or of the council shall be enjoined from continuing such violation.

Time limitations on compliance.

Section 12. **Compliance.** Within thirty (30) days after the date on which order of the board or of the council becomes final or after the date judgment affirming such an order is entered, the person or persons as defined herein upon whom the order has been served shall initiate such steps as may be necessary to comply with it. Provided, however, upon good cause shown the board or the council shall extend said thirty (30) day period for a reasonable period of time.

Injunctions.

Section 13. **Injunction.** It shall be the duty of the council to bring action for an injunction against any person or persons violating any final order of the board or of the council.

Cooperation of state officers required.

Section 14. **State Officers to Cooperate With the State Water Pollution Council.** The council is hereby authorized to require the assistance, cooperation and services of and

the use of the records and files in all the departments and institutions of the state, and all state officers and the governing authorities of all state institutions are hereby directed to cooperate with the council in furthering the purposes of this act.

Repealing clause.

Section 15. **Repeal.** All acts or parts of acts which are inconsistent with the provisions of this act are hereby repealed. The provisions of this act are, however, not to be construed to impair or lessen in any manner the existing powers and duties of the state board of health, except that chapter 184 of the thirty-first legislative assembly is hereby repealed.

Not to impair existing powers of board of health.

Existing rights and remedies preserved.

Section 16. **Preservation of Rights.** It is the purpose of this act to provide additional and cumulative remedies to prevent, abate and control the pollution of the waters of the state. Nothing herein contained shall be construed to abridge or alter rights of action or remedies in equity under the common law or statutory law, criminal or civil, nor shall any provisions of this act or any act done by virtue thereof, be construed as estopping the state, or any municipality or person as owners of water rights or otherwise in the exercise of their rights in equity or under the common law or statutory law to suppress nuisances or to abate pollution.

Severability.

Section 17. **Severability.** If any section, subsection, sentence, clause, phrase or words of this act is for any reason held to be unconstitutional, such decrees shall not affect the validity of any remaining portions of this act.

Approved March 3, 1955.

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## CHAPTER 143

An Act to Amend Section 53-129 of the Revised Codes of Montana, 1947, as Amended by Section 3, Chapter 195, Laws of 1953, Relating to Foreign Vehicles Used in Gainful Occupation — Registrar of Motor Vehicles May Make Reciprocal Agreements to Exempt, by the Establishment of a State Reciprocity Board and Designating the Representatives to Serve on Said Board, by Providing for Meetings of the Board, by Providing That the Board Has Authority to Establish Rules and Regulations, by Providing for Notice of Meetings and That Three Members of the Board Shall Constitute a Quorum, and Repealing All Acts and Parts of Acts in Conflict Herewith.





*Be it enacted by the Legislative Assembly of the State of Montana:*

Amending clause.

Section 1. That section 53-129 of the Revised Codes of Montana, 1947, as amended by section 3, chapter 195, laws of 1953, be, and the same is hereby amended to read as follows:

Foreign vehicles used in gainful occupation must be licensed in Montana.

"53-129. **Foreign Vehicles Used in Gainful Occupation — *Reciprocity Board* May Make Reciprocal Agreements to Exempt.** (1) Before any foreign licensed motor vehicle shall be operated on the highways of this state for hire, compensation or profit, or before the owner thereof uses the vehicle while engaged in gainful occupation or business enterprise, in the State of Montana, including highway work, the owner of such vehicle shall make application to a county treasurer for registration, upon an application form furnished by the registrar of motor vehicles. Upon satisfactory evidence of ownership submitted to such county treasurer, the treasurer shall accept the application for registration and shall collect the regular license fee required for the vehicle. The treasurer shall thereupon *issue to the applicant a copy of the application entitled 'owner's certificate of registration receipt' and* forward *a duplicate copy of certificate of registration* to the registrar of motor vehicles. The treasurer shall at the same time issue to the applicant the proper license plates or other identification markers, which shall at all times be displayed upon such vehicle, when operated or driven upon roads and highways of this state, during the period of the life of such license. *The* registration receipt shall not constitute evidence of ownership, but shall only be used for registration purposes. No Montana certificate of title shall be issued for this type of registration. This paragraph shall not be applicable to any vehicle which is a part of an interstate fleet registered and licensed under the provisions of section 53-114, Revised Codes of Montana, 1947, as amended, nor to any vehicle covered by a valid and existing reciprocal agreement or declaration entered into as hereinafter set forth.

Treasurer's duties.

Exception, proportional fleet; reciprocity.